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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/684,695	10/14/2003	Thomas Jesse Charlton	910143.401D1	3417

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EXAMINER

HERRING, LISA L

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/684,695

Applicant(s)

CHARLTON ET AL.

Examiner

Lisa Herring

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 39-43, 48-50 and 52-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 39-43, 48-50 and 52-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: on page 5, line 24 examiner has noted duplicate number error of "1/81/8 inch", examiner suggests removing duplicate "1/8". Appropriate correction is required.

### ***Claim Interpretation***

2. Examiner has noted the use of relative language, "at least substantially planar" in Claim 58. Examiner is using the broadest interpretation of the relative language to include glass sheets where the surface of the glass sheet may not be a smooth flat surface, but may include bulges, folds, indentations, etc.

### ***Claim Objections***

3. Claim 68 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 67. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

4. Claim 70 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 69. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 39, 40, 41, 43, and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Corsan (GB475953). Regarding Claims 39 and 43, Corsan (GB475953) in Columns 2, 3, and 4 discloses a method of making decorative glass sheets comprising the steps of:

1) depositing any suitable material as a forming element on the bed of a kiln, where any suitable material includes a ceramic-based powder and the bed of the kiln is a substrate (Column 3, lines 18-20)

2) the forming elements are spaced adjacent to one another, which provides support of a sheet of glass, and a piece of glass is placed on the forming elements (Column 3, lines 18-20)

3) heat is applied to soften the glass so that impressions are formed in the surface corresponding to the pattern determined by the deposited forming elements by the glass sagging or slumping under the force of gravity (Column 4, lines 72-82)

4) patterns are impressed on the glass after the glass is softened by cooling (Column 2, lines 24-32).

7. Regarding Claim 40, Corsan (GB475953) in Column 3, lines 9-10 and lines 45-49, discloses the glass is heated with the forming elements with a kiln, which is a type of oven.
8. Regarding Claim 41, Corsan (GB475953) in Column 4, lines 93-97, discloses using metal strips as forming elements that are stood on edge and bent to any desired shape, which can be construed to be a frame, wherein the frame can be substantially planar in shape.
9. Regarding Claim 55, Corsan (GB475953) in Figure 4 illustrates a random pattern created by strips, and Figure 3 illustrates a pattern in the glass that differs from the pattern illustrated by Figure 4, therefore the pattern can differ from one glass piece to another.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Corsan (GB475953) as applied to claim 39 above, and further in view of Dorough, Jr. (5,622,019). Corsan (GB475953) fails to disclose deforming a central portion of the glass comprises roll forming. However, Dorough, Jr. (5,622,019) in the abstract discloses the ability to deform a hot section of glass between rollers to form a pattern. Accordingly, it would have been obvious to one skilled in the art at the time the

reference was made to use roll forming as an alternative method to create different types of decorative patterns on the glass, while the glass is hot.

12. Claims 48, 49, 50, and 53, are rejected under 35 U.S.C. 103(a) as being unpatentable over Corsan (GB475953) as applied to claim 39 above and claim 54 below and further in view of Hrifko (5,454,193). Corsan (GB475953) fails to disclose cutting a portion of glass along a boundary, formed by a frame, or cutting a portion of glass into a shape to insert it into a window frame, a came for a decorative window, or a came for a lite in a door. However, Hrifko (5,454,193) discloses glass panels or panes for use in windows are prepared by cutting a large piece of glass to size. By applying this discussion with the discussion of claim 39 to claims 48-50 and with the discussion of claims 39 and 54 to claim 53, it would have been obvious to one skilled in the art at the time the invention was made to cut a portion of a sheet of decorated glass for the advantage of sizing or shaping the piece of glass to fit into any type of frame, such as a window, decorative window frame, or a came for a lite in a door.

13. Claims 52 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corsan (GB475953) as applied to claim 39 above and claim 57 below, and further in view of Lindenberg (6,668,586). Corsan (GB475953) fails to disclose removing the ceramic-based powder, a forming element, from the glass. However, Lindenberg (6,668,586) discloses in the abstract and in Column 4, lines 5-25, a method comprising of: depositing a powder that resists high temperature on a base, positioning the glass slab over the powder, submitting the glass slab to a temperature until plastic deformation is achieved, and removing the powder from the glass slab once it has

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cooled down. Accordingly, it would have been obvious to one skilled in the art at the time the invention was made to remove the forming element, a powder, from the glass slab after it is cooled, as disclosed by Lindenberg (6,668,586), in order to form patterns in the glass while heating, as disclosed by Corsan (GB475953).

14. Claims 54, 57, 58, 64, 69, 70, and 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over Corsan (GB475953). In addition to the disclosure of Corsan (GB475953) as applied to Claim 39 above, Corsan (GB475953) in Column 4, lines 93-97, discloses using metal strips as forming elements for decorative glass. The metal strips are stood on edge and bent to any desired shape, which can be construed to be a frame, wherein the frame can be substantially planar in shape. Corsan (GB475953) fails to specifically disclose positioning a frame or frames as follows: 1) around the pattern of a ceramic-based powder or 2) a ceramic-based powder in every frame. However, Corsan (GB475953) discloses arranging different types of forming elements in any pattern and specifically discloses using bent metal strips as an additional decorative method. Accordingly, it would be obvious to one skilled in the art at the time the invention was made that bent metal strips could be used to form a frame or frames, and that adding additional forming elements, such as a powder, in between the metal strips, would enhance the decorative features in the glass.

15. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over Corsan (GB475953), as applied to Claim 39 above and further in view of the following discussion. Corsan (GB475953) fails to disclose how the pattern of forming elements is deposited. However, a broad interpretation of the disclosure implies the elements may

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be deposited manually or automatically. Accordingly, it would be obvious to one skilled in the art at the time the invention was made to deposit the forming elements manually, for the advantage of being able to quickly create different patterns.

16. Claims 59, 60, 61, 62, 65, 66, 67, and 68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Corsan (GB475953) as applied to claims 51 and 57 above and further in view of Hrifko (5,454,193). Corsan (GB475953) fails to disclose cutting a portion of glass into multiple panes, cutting along a contour or planar boundary, created by a frame, or cutting into a shape to insert it into a window frame, a came for a decorative window, or a came for a lite in a door. However, Hrifko (5,454,193) discloses glass panels or panes for use in windows are prepared by cutting a large piece of glass to size. Accordingly, it would have been obvious to one skilled in the art at the time the invention was made to cut a portion of a sheet of decorated glass for the advantage of sizing or shaping the piece of glass to fit into any type of frame, such as a window, decorative window frame, or a came for a lite in a door.

### ***Conclusion***


17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Crossley (4,822,397) discloses a method of manufacturing glass eyes by selecting a sheet of glass, printing a pattern, placing the glass on a mold, heating to slump the glass, cooling the glass, cutting out each eye, and finishing the eye. Clasen et al. (4,286,981) discloses placing a powder of SiC in a mould for the production of glass objects.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Herring whose telephone number is 571-272-1094. The examiner can normally be reached on Mon-Fri. 7am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on 571-272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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